

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

CRP.No. 1098 of 2005()

AGAINST THE ORDER DATED 08/11/2004 IN EP 300 1998 IN
LAR.282/1981 of I ADDL.SUB COURT,ERNAKULAM
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REVN. PETITIONER: RESPONDENT/JUDGMENT DEBTOR.

STATE OF KERALA, REP. BY DISTRICT
COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. V.T.K. MOHANAN

RESPONDENTS: DECREE HOLDER/CLAIMANT.

NALINI, D/O.LATE RAGHAVAPANICKER,
AGED 59 YEARS, MANAKAYIL HOUSE, MARADU DESOM,
MARADU VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.M.RAVIKUMAR

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

C.R.P.NO.1098 OF 2005

DATED THIS THE 16th DAY OF JANUARY, 2007

ORDER

The State is challenging the order passed by first Addl. Sub Court, Ernakulam, executing the award in L.A.R.282/1981, fixing the liability due to respondent claimant as per order dated, 8.11.04. The order reads:

“As on 30.9.2004 liability is fixed at Rs.1,13,854/-. Attach and report to 11.2.2005”.

2. The case of Government was that the amount fixed by Sub Judge was not correct and State had already deposited Rs.39,260.08/- on 28.7.1986 and this amount was not accounted by learned Sub Judge and therefore the order is to be set aside.

3. The impugned order does not show how the liability was fixed at Rs.1,13,854/-. It does not show what was the land value, solatium and the interest payable and how much was deposited and what was the balance due. In such circumstances, the impugned order passed by learned Sub Judge is set aside. E.A. 33/04 is remitted back to learned Sub Judge to consider the question afresh and pass

appropriate order in accordance with law.

M.SASIDHARAN NAMBIAR, JUDGE

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